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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,095	09/03/2003	Noel Lee	P1544	6888

7590 11/03/2004  
LaRiviere, Grubman & Payne, LLP  
P.O. Box 3140  
Monterey, CA 93942

EXAMINER
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SAN MARTIN, EDGARDO

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/655,095	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Edgardo San Martin	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/31/04;9/3/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because:
  - Items 71 and 71 are not shown in the drawings as described in the specification on Page 6, Lines 2+;
  - Figures 6 and 7 do not specify which view-cut correspond to either view A-A and B-B.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities:

- On Page 7, Line 5 should read - - 72 - - instead of "71".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4 – 7, 11 and 14 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (US 4,450,322).

With respect to claims 1 and 11, Wilson teaches a surround sound system, comprising a surround sound tower (Fig.1, Item 21) being vertically disposed; a base plate (Fig.1, Item 14) being horizontally disposed; and means for positioning the surround sound tower on the base plate (Fig.1, Item 23), the surround sound tower being mounted on, and normal to, the positioning means (Fig.1; Col.4, Line 36 – Col.5, Line 6).

With respect to claims 4, 5, 14 and 15, Wilson teaches wherein the surround sound tower comprises at least one feature selected from a group consisting essentially of a center channel speaker and a tweeter module (Fig.1, Item 17), and wherein the tweeter module comprises a tweeter (Col.4, Lines 9 – 11).

With respect to claims 6 and 16, Wilson teaches wherein the tweeter module further comprises a detachable permeable tweeter housing disposed around the tweeter (Fig.1, Item 18).

With respect to claims 7 and 17, Wilson inherently teaches further comprising a binding element disposed at a rear surface of the tower for both electronically and mechanically binding the tower to the positioning means. The Examiner considers that in order for the plurality of speaker units to work in a tower configuration, there is necessary the use of a device that electronically and mechanically bind the tower to the positioning means.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 10, 12, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (US 4,450,322) in view of Fincham (US 4,139,734).

With respect to claims 2, 10, 12 and 20, Wilson teaches the limitations discussed in a previous rejection, in addition, Wilson teaches wherein the positioning means comprises means for indicating a movement of the surround sound tower relative to the base plate (Fig.6, Item 49); but fail to disclose wherein the positioning means move in an angular fashion.

On the other hand, Fincham teaches a speaker system that could be positioned in an angular manner (Fig.1; Col.1, Lines 7 – 20 and 35 – 66).

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify the Wilson positioning means to indicate an angular rotation as described by Fincham because the indicator would provide an accurate measurement of the speaker rotation needed to adjust the speaker to an optimum listening position, without the employment of extra equipment, based on the dimension and properties of the room.

With respect to claims 3, 10, 13 and 20, Wilson teaches the indicating means having visible markings (Fig.6, Item 49); in addition, the Examiner takes Official Notice that it is well known in the art of machines elements to employ ball bearings to facilitate a rotational movement.

5. Claims 8, 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (US 4,450,322) in view of Shirasaki (JP 61020489).

Wilson teaches the limitations discussed in a previous rejection, but fail to disclose further comprising means for indicating a sonic intensity.

Nevertheless, Shirasaki teaches a speaker system comprising means for indicating a sonic intensity; wherein the sonic intensity indicating means comprises a light emitting device (Fig.3, Item 6; Abstract).

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Shirasaki sonic intensity indicator with the Wilson design because the sonic intensity indicator would provide a visible feedback of the

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speaker system sonic performance that could be useful to visually identify when the speaker system is producing a high or low sonic output; or to be use as a light emitting device when some illumination is desired.

### ***Conclusion***

6. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.

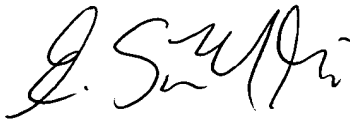
### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "E. San Martín".

Edgardo San Martín  
Patent Examiner  
Art Unit 2837  
Class 181  
October 31, 2004